

Remarks

This paper is being filed in response to the Office Action mailed on July 30, 2004 (“Office Action”). Claims 2-10, 12-23, 25-29 and 34-50 are pending. Claims 1, 11 and 24 are herein cancelled. Claims 2, 7, 9, 12, 16, 21, 22, 25 and 28 are herein amended.

In the Office Action at page 3, the Examiner states that claims 2-10, 12-23, 25-29 and 34-50 are “free of the prior art” and are allowable or allowed. Claims 2-10, 12-23 and 25-29 are objected to as being dependent upon rejected base claims. Applicants have therefore amended claims 2, 12 and 25 into independent form and including all limitations of the preceding claims 1, 11 and 24, respectively. Applicants respectfully submit that all of the allowed and/or allowable claims 2-10, 12-23, 25-29 and 34-50 are in appropriate form to proceed to issuance.

In the Office Action at pages 2 and 3, Examiner states that claims 1, 11 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,177,294 (Lehmann”) in view of U.S. Patent No. 6,5748,590 (“Leblond”). Applicants have rejected claims 1, 11 and 24 without prejudice, thereby obviating this rejection. Applicants reserve the right to pursue and argue the patentability of these claims in another proceeding.

Further, Applicants respectfully traverse this rejection for at least the following reasons.

Applicant respectfully submits that a *prima facie* case of obviousness is not present in this case. Applicants submit that the combination of Lehmann and Leblond is inappropriate, because Lehmann and Leblond teach away from the combination and because there is no reasonable expectation of success in the combination. Furthermore, any combination does not teach or suggest the present invention.

Lehmann is directed to a cleaning concentrate for washing foodstuffs. The concentrate comprises proteins, polymers, a sequestering agent and preservatives. Nowhere in Lehmann is it disclosed or suggested to combine a washing step using the Lehmann concentrate with subsequent washing steps to neutralize the pH of the Lehmann concentrate. Indeed as the Examiner has pointed out, Lehmann teaches the use of a wash in a range of pH that includes neutral and slightly acidic pH values. In column 3, lines 20-21, Lehmann teaches the use of a cleaning liquor having a pH value in the range of 6 to 8. This is contrary to the claimed applicants' process that use an initial wash having a pH of at least about 9. Thus, Lehmann does not teach the use of multiple washes and does not teach the use of an initial wash in a multiple wash method that is exclusively in the high pH (i.e., 9 or greater) range.

Leblond also fails to teach the use of multiple washes or the use of an initial high pH wash in a multiple wash method. Leblond in fact does not recognize or address any of the problems addressed by the presently claimed invention, e.g., tissue damage and browning of the vegetable. Leblond is directed a washing apparatus comprising a housing with a rotatable shaft and an array of jet streams disposed therein. Leblond has little or no teachings regarding the pH or compositions of the liquids to be used in the washing apparatus.

Thus, neither Lehmann nor Leblond teach or suggest the presently claimed method of an initial high pH wash followed by one or more neutralizing washes. Further, neither cited reference discloses or suggests the use of browning inhibitors in any wash. Since neither reference teaches or suggests the use of a high pH antimicrobial wash, it follows that neither patent discloses or suggests the specific neutralizing solutions or acidulants claimed in Applicants' dependent claims. Consequently, it is respectfully submitted that the combination of

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Lehmann and Leblond is not suggested there is no prima facie case of obviousness of Applicants' claimed invention.

Conclusion

Applicant believes that Applicant has fully responded to the Examiner's concerns and that all of the claims are in condition for immediate allowance. Applicant respectfully request immediate allowance of all claims.

Applicant request that any questions concerning this matter be directed to the undersigned at (609) 895-6639.

Respectfully submitted,



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